



# MINUTES

## UPPER TRINITY REGIONAL WATER DISTRICT BOARD OF DIRECTORS MEETING

February 2, 2017

### REGULAR SESSION BOARD MEETING

#### 1. Call to Order

The Board of Directors of the Upper Trinity Regional Water District convened, with President Vanzant presiding, at 12:55 P.M. on Thursday, February 2, 2017, at the UTRWD Board Meeting Room, 900 N. Kealy Ave., Lewisville, TX 75057.

#### 2. Roll Call and confirm Quorum

The attendance of the Board of Directors was taken. A quorum was present for the meeting.

#### **Board Members in Attendance:**

Lance Vanzant, President, Celina  
Gary Calmes, Treasurer, Krum  
Troy Norton, Argyle  
Del Knowler, Bartonville  
Cody Collier, Corinth  
Johnny Harris, Denton County  
Kristina Clark, DCFWSD #1A  
Dick Cook, Double Oak  
Richard Lubke, Highland Village  
Scott Ingalls, Pilot Point  
Frank Jaromin, Prosper

Chris Boyd, Vice President, Mustang SUD  
Ramiro Lopez, Secretary, Irving  
Brian Roberson, Aubrey  
Janet Aune, Copper Canyon  
Timothy Fisher, Denton  
Jean Campbell, Denton County At-Large  
Kevin Mercer, DCFWSD #7  
Kenneth Parr, Flower Mound  
Virginia Blevins, Justin  
Michael Anderson, Ponder  
Mike Brice, Sanger

#### **Absent:**

Mike Fairfield, Lake Cities MUA \*

\* Excused Absence

#### **Vacant:**

Lewisville

#### **Staff & Advisors in Attendance:**

Thomas E. Taylor, Executive Director  
Larry Patterson, Deputy Executive Director  
Nancy Tam, Assistant to Executive Director  
Jason Pierce, Mgr / Watershed & Contract Srvc  
Don Hill, Manager / Property Services  
Kurt Staller, Sr. Professional Engineer

Matthew Boyle, Representing General Counsel  
Bill Greenleaf, Director / Business Services  
Jody Zabolio, Ass't Director/Operations  
Jan Morris, Budget Manager  
Lester Harris, Accounting Manager  
Mark Skaggs, Manager of IT Services

**Others in Attendance:**

Alan Tucker, APAI

Keith Marvin, Lewisville

Jeff Pollack, Archer Western

Jean Terry, Celina

Clete Martin, APAI

Scott Holff, Carollo

3. Pledge of Allegiance and Invocation

Pledge of Allegiance: Kevin Mercer

Invocation: Gary Calmes

4. Opening Remarks:

A. President's Remarks concerning conduct of the meeting, posted agenda items, committee assignments, and related matters.

UTRWD did prevail in the Court of Appeals in Austin on our Inter-basin Transfer Case. This was a clear win for Upper Trinity. Hopefully, the permitting process will be expedited soon. Great News!

B. Executive Director's Status Report about legislation and regulatory matters, about budgets, current projects and on-going programs of the District, including: the Regional Water System, Water Resource Development, Regional Water Reclamation Systems, Watershed Protection and Water Conservation.

1. News Item: One of our customers was confirmed as the new Secretary of State - - Rex Tillerson, a resident of Bartonville.
2. Lathan Watts resigned as Lewisville's representative on the Board due to pressing business.
3. Taylor reported that twice in the last month, construction workers have dug into and damaged AT & T fiber optic cables serving District facilities. These type incidents are indications that the District needs to strengthen its communication back-up system; and we are in process. Fortunately, no serious damage was done to District facilities and we avoided any outage to customers. Quick reaction by employees was the key.
4. Regarding Lake Ralph Hall:
  - Last week, the Court of Appeals reversed the Lower Court ruling that had sided with the National Wildlife Federation against the Upper Trinity's LRH Water Rights Permit. The NWF appeal was based on narrow grounds, concerning adequacy of conservation efforts and interpretation of the new legislation on inter-basin transfer rules. The NWF may still appeal to the Texas Supreme Court. Even though Upper Trinity is in a strong position, with Federal 404 Construction Permit still pending, staff will continue its effort to monitor the case.
  - Yesterday, Taylor and Larry Patterson provided an extensive onsite briefing for the Commanding Officer of the Fort Worth District CORPS, Colonel Calvin Hudson and his Project Manager Chandler Peter. It was an all-day field trip to the LRH site area for an in-depth tour. Col. Hudson indicated that he gained major perspective by seeing and discussing the site conditions. Staff provided



answers to their questions and hope this field trip can help move forward the permitting process.

- C. Presentations about awards, recognitions, achievements, etc. of the District, Board Members, Member Entities and Staff.

None.

5. Visitor Comments Concerning Agenda Topics.

None.

### CONSENT AGENDA

President Vanzant asked for a motion to approve items in the Consent Agenda. **Richard Lubke made a motion to approve the Consent Agenda items. Seconded by Kevin Mercer.** The votes were all yes. Motion carried.

6. Adopt minutes of December 1, 2016 Board Meeting.
7. Accept Monthly Management Report for the period ended December 31, 2016.
8. Accept Quarterly Investment Report for the period ending December 31, 2016.
9. Authorize Executive Director to execute Settlement Agreement to provide for partial release of retainage and for District to receive certain future services related to the Southwest Pipeline Phase 3 and Inline Booster Pump Station project.

### ITEMS FOR INDIVIDUAL CONSIDERATION

10. Consider approval of Amendment No. 1 to contract with Archer Western Construction, LLC for Construction Manager at Risk to establish the guaranteed maximum price, and to proceed with expansion (construction) of the Riverbend Regional Water Reclamation Plant from 2 mgd to 4 mgd capacity. **(Weighted Capital Vote)**

Jody Zabolio, Scott Holf (Carollo Engineers) and Jeff Pollack (Archer Western Construction) provided the briefing to the Board. In July 2016, the Board authorized a contract for Construction Manager at Risk (CMAR) Services with Archer Western Construction and authorized CMAR to participate as a team member with District and Carollo Engineers during the design phase of the project to develop a master schedule and detailed cost estimate.

Staff recommends authorizing the proposed Amendment No. 1 to contract with Archer Western Construction, LLC for CMAR Services to establish the guaranteed maximum price to proceed with construction (expansion) of the Riverbend Regional Water Reclamation Plant from 2 mgd to 4 mgd capacity; and authorize Executive Director to award all individual bid packages, except for those bid packages stipulated (one bidder and over 10%) to require Board approval.

Ken Parr arrived at 1:29 PM



**Kristina Clark made a motion to approve Item No. 10 as recommended by Staff. Seconded by Brian Roberson. The Weighted Capital Vote proceeded as follows. The vote was 35 Yes, 1 No (DC At-Large). Motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1		1	
DCFWS #1A – Clark	2	2		
DCFWS #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		
FLOWER MOUND – Parr	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2	2		
JUSTIN – Blevins	1	1		
KRUM - Calmes	1	1		
LAKE CITIES MUA – Fairfield	2			2
LEWISVILLE -- (Vacant, 2 votes)				
MUSTANG SUD - Boyd	2	2		
PILOT POINT - Ingalls	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – Brice	1	1		
TOTAL	38	35	1	2

11. Consider approval of proposed Work Program Guidelines for the year 2017 as recommended by Officers and Staff.

President Vanzant indicated that the Officers had reviewed the proposed 2017 Work Program Guidelines and were distributed to Board Members in the meeting packet. Tim Fisher requested to modify the Guidelines (under Leadership Items, #1. B., second bullet) as follows:



~~Provide robust support for the District's application for federal permit(s) **To obtain the federal 404 permit** related to proposed Lake Ralph Hall.~~

Johnny Harris made a motion to approve the Guidelines with the revised wording as recommended by Mr. Fisher. Seconded by Kevin Mercer. The vote was all Yes, 1 No (Prosper). Motion carried.

12. Consider approval of a professional services contract (and related budget amendment) with Springsted Incorporated to perform a comprehensive Job Classification and Employee Compensation Study.

Members of the Personnel Committee, Officers and Staff concluded that the District needed professional assistance to conduct a Comprehensive Job Classification and Employee Compensation Study, including a review of employee benefits. The Officers and Staff recommend approval of the proposed professional services contract. The Personnel Committee has reviewed the proposal and concurs. Tim Fisher made a motion to approve Item No. 12 as recommended with a not-to-exceed total amount of \$50,000. Seconded by Virginia Blevins. The vote was all Yes, 0 No. Motion carried.

13. Receive an update concerning potential opportunity to increase the size and capacity of the North Storage Project for Harpool Water Treatment Plant and take appropriate action.

This item was moved to follow Executive Session.

14. Concerning extension of water and wastewater services to Mustang SUD at new locations:

Briefed by Jason Pierce:

- A. Receive staff briefing concerning proposed extension of wastewater pipeline and construction of new Point of Entry with metering facilities for service to an area northwest of the Riverbend Water Reclamation Plant.

Jason Pierce provided the briefing as indicated. Late last year, Mustang sent the District a request for additional water and wastewater services to serve large portion of Mustang's service area, including, the proposed Regatta Development along FM 2191. The first couple of phases are owned by D.R. Horton, a planned development of approximately 3,800 homes. Mustang is providing water / wastewater service and plans to construct facilities for District. No action needed at this time.

- B. Consider approval of Task Order No. 4 to existing contract with Alan Plummer Associates, Inc. related to final design, bidding and construction phase services for treated water pipeline from Harpool Plant to Mustang SUD's planned Point of Delivery No. 3 near FM 2931, and consider related budget amendment. **(Weighted Capital Vote)**

Mustang has requested a third Point of Delivery for treated water to serve development north of FM 2931. It requires the design and construction of a new 36-inch pipeline and associated metering facility. Proposed Task Order 4 with Alan Plummer and Associates, Inc. will provide for engineering services related to final design, bidding and construction services for the treated water pipeline and associated metering facility for



the proposed new Point of Delivery No. 3 for Mustang. Total task order amount is \$307,290. Mustang SUD will be responsible for the portion of costs related to the design and construction of the Point of Delivery and metering facility.

**Chris Boyd made a motion to approve Item No. 14.B. as recommended by Staff. Seconded by Tim Fisher. The Weighted Capital Vote proceeded as follows. The vote was 36 Yes, 0 No. Motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1	1		
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1	1		
FLOWER MOUND – Parr	9	9		
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2	2		
JUSTIN – Blevins	1	1		
KRUM - Calmes	1	1		
LAKE CITIES MUA – Fairfield	2			2
LEWISVILLE – (Vacant, 2 votes)				
MUSTANG SUD - Boyd	2	2		
PILOT POINT - Ingalls	1	1		
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – Brice	1	1		
TOTAL	38	36		2

President Vanzant called a 5-minute break – 2:30 PM.

- Executive Session concerning granting or acquisition of easements, rights-of-way and other property for Water Resource Development or for Regional Treated Water System, according to location maps of the projects available in the District Office, and regarding water rights and





related permits pursuant to Texas Government Code, Section 551.072; and concerning personnel matters, including the contract, performance and compensation of executive director pursuant to Texas Government Code, Section 55.1074; and, meeting with legal counsel pursuant to Texas Government Code, Section 551.071 relative to a matter in which the attorney is required under the Texas Disciplinary Rules of Professional Conduct to convey advice in Executive Session.

The Board of Directors went into Executive Session at 2:43 PM.

Dick Cook left the meeting at 2:59 PM.  
 Scott Ingalls left the meeting at 3:45 PM.

The Board returned to open meeting at 4:34 PM.

16. Consider action on property matters, some of which may have been discussed in Executive Session. **(Weighted Capital Vote)**

This property was discussed in Executive Session related to Lake Ralph Hall Project. **Tim Fisher made a motion to approve the acquisition of the Debord property (P-85-LRH) as recommended by Staff. Seconded by Richard Lubke. The Weighted Capital Vote proceeded as follows. The vote was 25 Yes, 9 No (Flower Mound). Motion carried.**

ENTITY	ELIGIBLE WEIGHTED VOTE	YES	NO	ABSENT
ARGYLE – Norton	1	1		
AUBREY - Roberson	1	1		
BARTONVILLE – Knowler	1	1		
CELINA – Vanzant	1	1		
CORINTH – Collier	3	3		
DENTON (CITY) – Fisher	2	2		
DC AT-LARGE - Campbell	1	1		
DCFWSO #1A – Clark	2	2		
DCFWSO #7 – Mercer	2	2		
DOUBLE OAK – Cook	1			1
FLOWER MOUND – Parr	9		9	
HIGHLAND VILLAGE – Lubke	2	2		
IRVING – Lopez	2	2		
JUSTIN – Blevins	1	1		
KRUM - Calmes	1	1		
LAKE CITIES MUA – Fairfield	2			2



LEWISVILLE – (Vacant, 2 votes)				
MUSTANG SUD - Boyd	2	2		
PILOT POINT - Ingalls	1			1
PONDER - Anderson	1	1		
PROSPER - Jaromin	1	1		
SANGER – Brice	1	1		
TOTAL	38	25	9	4

13. Receive an update concerning potential opportunity to increase the size and capacity of the North Storage Project for Harpool Water Treatment Plant and take appropriate action.

The Board had received an update and discussed the North Storage Project in Executive Session. No action recommended.

17. Consider action on personnel matters, including employment contract and compensation for Executive Director as discussed in Executive Session.

The Board had discussed this item in Executive Session.

**Virginia Blevins made a motion to approve a 2-year extension of the Executive Director’s contract with a 3% compensation increase. Seconded by Kevin Mercer. The votes were 8 Yes (Argyle, Aubrey, Bartonville, Denton County, DCFWSD#1A, DCFWSD#7, Highland Village, Justin), 11 No (Celina, Corinth, Denton, DC At-Large, Flower Mound, Irving, Krum, Mustang, Ponder, Prosper, Sanger). Motion failed.**

**Tim Fisher made a motion to approve a 1-year extension of the Executive Director’s contract, to be accompanied by succession planning, with a 3% compensation increase, consistent with Officers’ recommendation. Seconded by Cody Collier. The vote was 13 Yes (Argyle, Aubrey, Celina, Corinth, Denton, DC At-Large, Flower Mound, Irving, Krum, Mustang, Ponder, Prosper, Sanger), 6 No (Bartonville, Denton County, DCFWSD#1A, DCFWSD#7, Highland Village, Justin). Motion passed.**

18. Review potential agenda items, activities and announcements for future Board meetings.

None.

19. Visitor Comments Concerning Non-Agenda Topics

None.





20. Adjournment.

There being no further business, President Vanzant adjourned the meeting at 4:40 P.M.

Recorded By:   
Nancy T. Tam, Assistant Secretary, Board of Directors

Certified By:   
Ramiro Lopez, Secretary, Board of Directors

